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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/311,128	05/13/1999	JOOST KEMINK	PHA-23.501	9837
24737	7590	03/25/2008	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			WOOD, WILLIAM H	
P.O. BOX 3001			ART UNIT	PAPER NUMBER
BRIARCLIFF MANOR, NY 10510			2193	
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03/25/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/311,128	<b>Applicant(s)</b> KEMINK, JOOST
	<b>Examiner</b> William H. Wood	<b>Art Unit</b> 2193

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(o).

#### Status

1) Responsive to communication(s) filed on 10 January 2008.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,3-7,11,12 and 18-29 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_ is/are allowed.

6) Claim(s) 1, 3-7, 11-12 and 18-29 is/are rejected.

7) Claim(s) \_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/CC)  
 Paper No(s)/Mail Date \_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_

5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_

**DETAILED ACTION**

Claims 1, 3-7, 11-12 and 18-29 are pending and have been examined.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-7, 11-12 and 18-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sato** (USPN 6,408,435) in view of **Goldstein** (USPN 5,410,326).

*Claim 1*

**Sato** discloses a method to facilitate a programming of a control device that comprises a graphics user interface, the method comprising:

enabling a determination of at least one appliance for being user controlled through the control device (*column 6, lines 40-66; figures 1 and 8*);  
communicating the code to the control device for storage at the control device for enabling user-control of the appliance in response to a subsequent user activation of the control device (*column 6, lines 40-66; figures 1 and 8*),

wherein determining the code includes accessing an Internet site in dependence upon the determination of the at least one appliance (*column 6, lines 40-66; figures 1 and 8*).

**Sato** did not explicitly state “determining code for graphically representing a controllable feature of the appliance on the graphic user interface of the control device”. **Goldstein** demonstrated that it was known at the time of invention to determine code for graphically representing controllable features on a graphic user interface of a control device (column 7, lines 9-32; column 3, lines 21-26). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the internet programmable control device of **Sato** with graphical interface features as found in **Goldstein**’s teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide a more flexible control device for expanded controlling ability (**Goldstein**: column 2, lines 44-51).

*Claim 3*

**Sato** and **Goldstein** disclosed the method of claim 1, wherein determining the code includes extracting a device control profile from a plurality of device control profiles (**Sato**: *column 7, lines 7-13*).

*Claim 4*

**Sato** and **Goldstein** disclosed the method of claim 1, wherein determining the

code includes extracting a device control profile in dependence upon at least one of: a location parameter, a time parameter, and a user profile (**Sato**: column 7, lines 7-13).

Claim 5

**Sato** and **Goldstein** disclosed the method of claim 1, further including: communicating appliance control commands to the control device to facilitate the user-control of the appliance (**Sato**: column 6, lines 40-66).

Claim 6

**Sato** and **Goldstein** disclosed the method of claim 1, further including enabling an editing of the code (**Sato**: column 6, lines 40-66).

Claim 7

**Sato** and **Goldstein** disclosed the method of claim 1, wherein the determination of at least one appliance includes providing a sequence of selection options that lead to the determination of the at least one appliance (**Sato**: column 7, lines 7-13).

Claim 18

**Sato** and **Goldstein** disclosed the method of Claim 1, wherein the at least one appliance comprises at least one of: a television, a CD player, a DVD player, a

computer, a set-top box, a telephone, and a microwave (**Sato**: column 1, lines 5-12; column 9, lines 30-36).

*Claim 20*

**Sato** and **Goldstein** disclosed the control device of Claim 11, wherein the programmable user interface is programmed to display a plurality of icons used to control at least one of the one or more electronic devices (**Goldstein**: column 7, lines 9-32).

*Claims 11-12, 19 and 21-29*

The limitations of claims 11-12, 19 and 21-29 substantially correspond to the limitations of claims 1, 3-7, 18 and 20 and as such are rejected in a corresponding manner.

***Response to Arguments***

Applicant's arguments filed 10 January 2008 have been fully considered but they are not persuasive. Applicant argues: the cited references fail to disclose determining and communicating a graphical representation of a controllable feature. Additionally, Applicant argues there is no disclosure of programming the user interface. Further, Applicant argues the references fail to disclose a server storing the graphical representations.

Respectfully, these arguments are found unpersuasive. First, it is clear from **Goldstein** that a graphical user interface is provided and that it is updated from a source as the need arises (column 3, lines 21-23, “programming the [programmable universal remote control] device is carried out by connecting it through the interface means to a source ...”; column 3, lines 45-51, “display which will display icons representing the various services for which the user has subscribed”, the graphics themselves changeable or programmable). This demonstrates the second issue as well (programming the interface. Finally, **Sato**’s (and **Goldstein** as demonstrated above) retrieving of updated commands demonstrates a server for programming the control device. As the two references are obviously combined, the server would store graphical programming as well. This addresses Applicant’s concerns, the rejections are maintained.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on

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the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Correspondence Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Wood whose telephone number is (571)-272-3736. The examiner can normally be reached 10:00am - 4:00pm Tuesday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lewis A. Bullock Jr. can be reached on (571)-272-3759. The fax phone numbers for the organization where this application or proceeding is assigned are (571)273-8300 for regular communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained form either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR systems, see <http://pair-direct.uspto.gov>. For questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

/William H. Wood/  
William H. Wood  
Primary Examiner, Art Unit 2193  
March 29, 2008